



Town Of Amenia

4988 Route 22, PO BOX 126, AMENIA, NY 12501

Phones: (845) 373-8860 and (845) 373-8118

PLANNING BOARD MEETING THURSDAY, MARCH 29, 2012

PRESENT: Norm Fontaine
Larry Moore
Nina Peek, Chair
Tony Robustelli
Nathan Roy
Jim Walsh

ABSENT: Peter Clair

MOTION TO OPEN THE PLANNING BOARD MEETING was made by Jim Walsh, seconded by Tony Robustelli.

ALL IN FAVOR - MOTION CARRIED.

Patel

Site Plan

**5329 Route 44
Amenia, NY**

Nina Peek began by stating that the Dutchess County Department of Planning and Development (DCDPD) reviewed the application and responded that the project is categorized as a matter of local concern with comments. The DCDPD recommended that signage include a single wooden sign and that while lighting details were not provided with the site plan application, that outdoor lighting be directed downwards to minimize light pollution and glare and should be oriented in such a manner to ensure that drivers on the adjacent roadways are not able to view any bare light bulbs. Ms. Peek stated that while details on the lighting should have been included in the application, if the applicant understands that lighting and any other improvements will need to be in conformance with the Zoning Ordinance, the Planning Board can act on the application. If the applicant makes improvements not in conformance with the Zoning Ordinance, the applicant will be forced to bring the improvements into compliance at the applicant's expense. The applicant confirmed that they understood.

Tony Robustelli stated that he believed the application should include proposed signage details, dimensions and lighting to ensure the applicant will be in conformance with the Zoning Ordinance and will not be forced to remove any non-conforming improvements. The applicant stated that they understand and accept if non-conforming alterations are made that either the business owner or the applicant will remedy the situation. Discussion ensued on signage and lighting that would be compliant with the Zoning Ordinance. Nina Peek stated that the applicant understands that because they did not submit the required details and specifications for their signage and lighting, any signage and lighting installed will be at the risk of the applicant. Tony Robustelli asked if the second storefront will have a sign. Nina Peek stated that it will, but that the applicant has only submitted an example of the signage for the proposed Stagecoach delicatessen, but has stated there will be a separate sign for the tile showroom, which would be the same design and lighting scheme as the Stagecoach sign.

Nina Peek explained that if the Planning Board agrees with the comments from Dutchess County, that a simple majority vote will be required. If the Planning Board does not agree with the comments, than a super majority vote will be required to approve the site plan.

Norm Fontaine stated he did not have a problem with a second sign and disagrees with the letter. Tony Robustelli stated that he believed that the applicant should submit a complete application with more details on the lighting and second sign. Jim Walsh stated that the applicant understands the risk. The applicant stated they understand that it is their responsibility to enforce the Town's Zoning Regulations with any improvements their tenants make. The Planning Board members stated their disagreement with the letter from the DCDPD. Ms. Peek stated that the application will move forward with two signs on the front of the building – the signs will be wooden and in compliance with the Town's Zoning Ordinance. If they are not, they will be ordered taken down at the applicant's expense. The applicant agreed with the statement. Ms. Peek also noted that the resolutions have been written with the caveat that the applicant will be required to remedy any non-conforming signage or lighting.

MOTION TO APPROVE THE PATEL SITE PLAN APPLICATION by Norm Fontaine, seconded by Larry Moore.

Nina Peek - Y
Peter Clair – Absent
Norm Fontaine - Y
Larry Moore - Y
Nathan Roy – Y
Tony Robustelli - Y
Jim Walsh – Y

MOTION CARRIED – SITE PLAN APPROVAL GRANTED.

MOTION TO APPROVE ISSUING A NEGATIVE DECLARATION ON THE PATEL APPLICATION by Jim Walsh, seconded by Norm Fontaine.

Nina Peek - Y
Peter Clair – Absent
Norm Fontaine - Y
Larry Moore - Y
Nathan Roy – Y
Tony Robustelli - Y
Jim Walsh – Y

MOTION CARRIED – NEGATIVE DECLARATION APPROVED.

Nextel/Tower Co

Cell Tower Landscape Plan

**Route 44
Amenia, NY**

Nina Peek asked if there were any questions or comments on the application. The applicant has offered to answer questions via email or attend the next meeting. Nina Peek stated that the one thing the Planning Board did not discuss or agree to in the conditions of findings was the fence around the utility box and that her preference is a dark color that will not draw attention. Nathan Roy asked how many kilowatts could be generated by the generator. Nina Peek stated that specifications were included in the application. Nathan Roy stated that he was pleased with the proposed plantings.

Nina Peek stated that Site Plan Approval has already been granted – the materials in front of the Planning Board are in relation to one of the conditions, requiring installation landscaping to screen equipment from the neighbors, and a generator. Norm Fontaine asked about the conditioned time frame moving forward. Nina Peek stated the applicant had 90 days from the approval in December to submit plans, and once the Planning Board signs off the landscaping plan and generator the applicant will have six (6) months to complete the improvements. Norm Fontaine stated he is concerned with how the conditions will be

enforced because the Town has had problems with enforcement in the past. Nina Peek stated that this is a condition of approval and an ongoing obligation; if at any point in the future it is deemed that the applicant has not met the conditions, the approval can be revoked by the Planning Board. Norm Fontaine expressed a desire to track whether or not conditions are being met. Nina Peek responded that the Zoning Enforcement Officer should be tracking conditions and that the Planning Board could keep this on his radar. Norm Fontaine stated his belief that the Planning Board should follow up with the Zoning Enforcement Officer on applications. The Planning Board agreed in six (6) months they would request a follow up. Jim Walsh stated that this should be placed on the Zoning Enforcement Officer's calendar immediately. The Planning Board agreed that as soon as the as-built plans are filed with the Building Inspector, the Zoning Enforcement Officer will confirm that the conditions have been met and that the overall conditions of the approval are an ongoing responsibility of the applicant.

MOTION TO DETERMINE THAT TOWER CO HAS MET THEIR OBLIGATIONS AS SET FORTH IN THE CONDITIONS OF APPROVAL by Tony Robustelli, seconded by Jim Walsh.

ALL IN FAVOR - MOTION CARRIED.

**NYSEG
Wassaic Substation**

Building Upgrade

**Taconic DDSO
Property Route 22 Rear
Amenia, NY**

Nina Peek commenced discussion of the application and provided a brief overview. Lana Anguin-Cohen informed the applicant and Planning Board that an escrow fund needs to be set up for the review of the application. Lewis Fitzgerald, representing NYSEG, provided a presentation of the proposed alterations to the site. Mr. Fitzgerald stated the entire property has not been surveyed – just the area in the vicinity of the NYSEG easement. Tony Robustelli commented that he is happy that the site is being upgraded. Nathan Roy asked if the substation is in the vicinity of the diesel fueling station. Mr. Fitzgerald stated that the actual substation is fairly secluded. Nathan Roy asked if there will be much of a visual impact. Mr. Fitzgerald stated that given the seclusion of the substation the proposed alterations are not likely to have a visual impact and the alterations should blend into the existing configuration.

Nina Peek stated that this is an unlisted action under the State Environmental Quality Review Act so a public hearing is not needed. A referral to the Dutchess County Department of Planning and Development is required, as is a circulation of the application to the adjacent property owner because it is an agricultural use. Lana Anguin-Cohen will take care of all of the necessary circulation. Nina Peek also stated that the DCDPD referral can take up to 30 days. Depending on the timing, the application will either be on the agenda for the end of April or the first meeting in May.

Other Matters

Nina Peek stated that Lana Anguin-Cohen has requested that Planning Board members respond to emails regarding meeting attendance to ensure the required number of Planning Board members will be in attendance.

MOTION TO ACCEPT MEETING MINUTES FROM FEBRUARY 23, 2012 by Tony Robustelli, seconded by Norm Fontaine.

ALL IN FAVOR – MOTION CARRIED.

MOTION TO CLOSE MEETING by Tony Robustelli, seconded by Larry Moore.

ALL IN FAVOR – MOTION CARRIED.

Respectfully submitted,
Sunny McCool
Planning Board Secretary